

REMARKS

This responds to the Office Action mailed on April 19, 2006.

Claims 5, 12, 19, 22, and 25 are amended, no claims are canceled or added; as a result, claims 1-27 remain pending in this application.

§112 Rejection of the Claims

Claims 5, 12, 19, 22, and 25 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response Applicant has amended claims 5, 12, 19 and 25 to remove the term “substantially”. For the reasons previously argued, respectfully submits that the claim scope includes implementations with minor variations from the recited standard. Claim 22 has been amended to provide correct antecedent basis for “proxy system.” Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 5, 12, 19, 22, and 25.

§103 Rejection of the Claims

Claims 1-6, 8-13, 15-20, and 22-26 were rejected under 35 USC § 103(a) as being unpatentable over Busick (U.S. 6,636,151) in view of Cash (U.S. 5,729,197). In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)). Applicant respectfully traverses the rejection because the claims contain elements not found in the combination of Busick and Cash.

For example, each of independent claims 1, 8, 15, and 22 recite that alert messages are sent to a proxy system via a private network. The Office Action asserts that Cash discloses a private network because “any phone infrastructure, whether it be a wired or a wireless telephone system, the individual user has to pay a particular group or company a fee to utilize that system (e.g. monthly fees for cellular phone usage on particular networks) and therefore the phone infrastructures are not available to the general public but instead are only available to those who pay to use the service and would therefore be considered a private service network.” Applicant respectfully disagrees with this interpretation of a private network. The commonly accepted definition of a private network is a network controlled by an end user organization. For example, Newton’s Telecom Dictionary defines a private network as “a network built and owned by an end user organization” or alternatively as “a network comprising dedicated circuits leased from one or more public carriers.” Similarly, the McGraw Hill Encyclopedia of Networking & Telecommunications defines a private network as lines that are “dedicated to the customer, and so are private.”

The telephone networks described in Cash are thus not private networks because neither the dialup network nor the cellular phone network described in Cash are dedicated to an end user. In fact, the dialup network described in Cash is commonly referred to as the PSTN or Public Switched Telephone Network (emphasis added). The network is public because the circuits are not dedicated to an end-user, rather they are available for any member of the public to use. The fact that a fee may be charged for the use of the public network (or cellular telephone network) is irrelevant to whether the network is considered a private network, rather it is whether the network is available at all to the public.

For at least the reasons discussed above, neither Busick nor Cash teach or suggest sending alert message to a proxy over a private network. As a result, the combination of Busick and Cash fails to teach or disclose each and every element of Applicant’s claims 1, 8, 15, and 22. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1, 8, 15, and 22.

Claims 2-6, 9-13, 16-20, and 23-26 depend either directly or indirectly from claims 1, 8, 15 and 22 and are patentable over Busick and Cash for the reasons argued above, and are also patentable in view of the additional elements which they provide to the patentable combination.

If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is also nonobvious. MPEP § 2143.03.

Claims 7, 14, 21, and 27 were rejected under 35 USC § 103(a) as being unpatentable over Busick (U.S. 6,636,151) in view of Cash (U.S. 5,729,197) and further in view of Emerson et al. (U.S. 6,774,904). Claims 7, 14, 21 and 27 depend from claims 1, 8, 15 and 22 and therefore include the recitation of sending an alert message to a proxy system through a private network. As discussed above, neither Cash nor Busick teach or suggest sending an alert message to a proxy system through a private network. Applicant has reviewed Emerson and can find no teaching or suggestion of sending an alert message to a proxy system through a private network. As a result, the combination of Busick, Cash and Emerson fails to teach or disclose each and every element of claims 7, 14, 21 and 27. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claim 7, 14, 21 and 27.

AMENDMENT UNDER 37 C.F.R. 1.116 – EXPEDITED PROCEDURE

Serial Number: 10/674,936

Filing Date: September 30, 2003

Title: SYSTEM AND METHODS FOR SENDING AN ALERT THROUGH A PROXY SYSTEM

Assignee: Intel Corporation

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Dkt: 884.929US1 (INTEL)

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6954 to facilitate prosecution of this application.

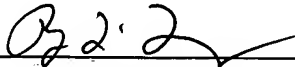
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Respectfully submitted,

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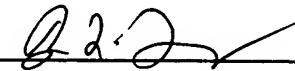
Date August 31, 2006

By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 31st day of August, 2006.

Rodney L. Lacy

Name


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